

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:20-cv-03848-MKV

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ISAEL ROBLES NAVA,

Plaintiff,

-against -

DEFENDANT'S AFFIDAVIT

OPAI THAI INC. and YAN BING CHEN,

Defendants.

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I, Defendant Yan Bing Chen, being duly sworn according to law, do hereby depose under penalties of law, state:

1. I am the Defendant in this lawsuit brought by my former employee Israel Robles Nava over certain labor issues.
2. I am making this affidavit for purposes of detailing the circumstances where I paid another \$10,000 to Israel in addition to the sum of \$4,500 in settlement of his claims and having the case voluntarily dismissed through the Plaintiff's lawyer.
3. On November 12, 2020, Israel called me again saying he must return to Mexico as soon as possible, because his family member was seriously ill. I told him I received the Court's letter showing that the case is still ongoing and I was in default - questioning him if he asked his lawyer to dismiss the case. Israel replied that his lawyer demanded \$10,000 as cancellation charge as compensation.

4. On November 16, 2020, Iseal came to see me saying that he would leave for Mexico in few days. Then, in my presence, Israel called his lawyer's office on a speaker phone. A lady named Ariana picked up the phone and they talked in Spanish. Israel told me that if I paid \$10,000, the lawyer would notify the Court to dismiss the case right away.

5. On November 17, 2020, I met up with Israel at his lawyer's building at 60 East 42nd Street and gave \$3,000 for him to deposit into his bank account - at the Chase Branch in the same building. We did it together. We agreed to deposit the balance of \$7,000 into his bank account the next day - Nov. 18, 2020, and then we would deliver the two checks to his lawyer.

6. On November 18, 2020, I met up with Israel again at around 3:00 pm at the front door of his lawyer's building located at 60 East 42nd Street. I gave him the sum of \$7,000 that I borrowed from my good friends, so that he deposited the money into his bank account at the teller window of the same Chase Bank. We did it together. Israel called his lawyer's office in my presence - then he told me that his lawyer had left his office and we had to come back the next day between 11:00 - 11:30 am. I was so worried and afraid that Israel might have cheated on me. Then I realized that I should have let my lawyer know what had happened. Mr. Pan warned me against fraudulent transaction and promised to report it to the

Court. A photo picture of the two checks totaling \$10,000 is attached.

7. On November 19, 2020, I waited at Chase Bank at 60 East 42nd Street for Israel to show up - starting from 10:00 am to 11:30 am - he was nowhere to be found. I became panicked, so I went to his address printed on his check - 4710 48th Ave #38, Woodside, NY - he was not there. Then I went to this address for the next 7 days trying to see Israel - until a neighbor told me there was no such a person. I believed this was a scam - Israel cheated me out of \$14,500!

8. On December 3, 2020 at 2:34 pm, I was able to reach Israel finally after hundreds of phone calls. Upon my questioning, Israel admitted that he took \$10,000 the other day from me claiming he gave the sum to his lawyer. He said "the case is done." Then at 3:04 pm, Israel called me again explaining the reason why he did not respond was that he went back to Mexico and repeated that he gave the \$10,000 to his lawyer Michael. I made a recording of the conversations due to my suspicion of Israel's behavior.

9. The foregoing has been interpreted and explained to me in Chinese and I fully understand the same and attest to the truth thereof.

YAN BING CHEN
YAN BING CHEN

Sworn to before me this
4th Day of December, 2020.

NOTARY PUBLIC

KAISH M BHUIYAN
NOTARY PUBLIC, STATE OF NEW YORK
01BH6372950
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES APRIL 02, 2022